Appendix

November 7, 1963

National Mediation Board
Washington, D. C.

Re: Transport Workers Union of America, AFL-CIO—Your file No. C-3367

Gentlemen:

Enclosed herewith please find a copy of a Decision and Opinion of the United States Court of Appeals for the Ninth Circuit in the matter of Pan American World Airways, Inc., vs. United Brotherhood of Carpenters & Joiners of America, etc., et al., No. 18,822. As shown by this enclosed Opinion the question of the applicability of the Railway Labor Act to Pan American's NRDS at Jackass Flats, Nevada, and the jurisdiction of the National Mediation Board over this activity was directly considered by the Court of Appeals, and a direct finding was made by the Court that the Railway Labor Act is not applicable. Not only was your Board's reasoning in the Cape Canaveral case rejected by the Court, but through the cooperation of Pan American the Court had before it your decision in the instant matter before rendering its decision. As is to be seen from the footnote appearing on the last page of the Court's Opinion, the Court nevertheless refused to alter its findings, indicating that your decision in the instant matter, being based on the Canaveral reasoning, was likewise unsound and contrary to law.

We regret that your Board did not see fit to grant our request that you withhold your decision in the instant matter pending this advice from the United States Court of Appeals for the Ninth Circuit in the Pan American case. However, now that the Court has ruled we presume that you will wish to reconsider your decision in the instant matter and we hereby formally request that you undertake such reconsideration.

Yours very truly,

Roland C. Davis

Attorney for Hotel and Restaurant Employees & Bartenders International Union, and its Culinary Workers' Union, Local 226

RCD/bam

cc: Joseph A. Sickles, Esq.
Sherman, Dunn & Sickles
1200 - 15th Street, N.W.
Washington, D.C.

George Rudiak, Esq.
Attorney at law
425 Fremont Street
Las Vegas, Nevada

John F. O'Donnell, Esq.
O'Donnell & Schwartz
501 Fifth Avenue
New York, N.Y.

Richard M. Randall, Esq.
Chief Counsel's Staff of
Nevada Operations Office
Atomic Energy Commission
Box 1676
Las Vegas, Nevada

Jesse Freidin, Esq.
Attorney at law
598 Madison Avenue
New York, N.Y.

David Previant, Esq.
Attorney at law
212 West Wisconsin Avenue
Milwaukee, Wisconsin

Mr. Al Bramlet
Culinary Workers Union
Local 226
P. O. Box 1430
Las Vegas, Nevada

Benjamin Gettler, Esq.
Brown & Gettler
Transit Building
6 E. Fourth Street
Cincinnati 2, Ohio

National Mediation Board
Washington

November 15, 1963
File No. C-3367
PAWA - TWU

Roland C. Davis, Esq.
Attorney for H&RE&BIU and its Culinary
Workers' Union, Local 226
Carroll, Davis, Burdick & McDonough
420 Balfour Building
San Francisco 4, California

Dear Mr. Davis:

This will acknowledge receipt of your letter of November 7, 1963, in which you request a reconsideration of our preliminary decision with regard to jurisdiction of this Board in the above entitled matter. At the present time a question concerning the Board's position in light of the litigation to which you referred is under consideration. Until a determination is made, it will not be possible for us to definitely deal with your request.

It is our hope that we will be able to be responsive within the near future.

Very truly yours,
E. C. Thompson
E. C. Thompson
Executive Secretary

cc. Joseph A. Sickles, Esq.
Sherman, Dunn & Sickles
1200 - 15th Street, N. W.
Washington, D. C.

George Rudiak, Esq.
Attorney at Law
425 Fremont Street
Las Vegas, Nevada

John F. O'Donnell, Esq.
O'Donnell & Schwartz
501 Fifth Avenue
New York, New York

Benjamin Gettler, Esq.
Brown and Gettler
Transit Building
6 E. Fourth Street
Cincinnati 2, Ohio

cc. Jesse Freidin, Esq.
Attorney at Law
598 Madison Avenue
New York, New York

David Previant, Esq.
Attorney at Law
212 West Wisconsin Avenue
Milwaukee, Wisconsin

Richard M. Randall, Esq.
Chief Counsel's Staff of
Nevada Operations Office
Atomic Energy Commission
Box 1676
Las Vegas, Nevada